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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,562	12/31/2001	David M. Bjordammen	GIC-652	4658
20028	7590	08/09/2005	EXAMINER	
Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			POPHAM, JEFFREY D	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/036,562

Applicant(s)

BJORDAMMEN ET AL.

Examiner

Jeffrey D. Popham

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20020411, 20030602.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**Remarks**

Claims 1-33 are pending.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-6, 10, 12-23, 27, and 29-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Bacon (U.S. Patent Application Publication 2002/0,101,991).

Regarding Claim 18,

Bacon discloses an apparatus for simultaneously decrypting multiple services received on separate encrypted multiplexed transport streams, comprising:

A tuning device for receiving N encrypted multiplexed transport streams, each transport stream having at least one service (Page 4, Paragraph 28);

A host processor for selecting a plurality of desired services from M of the N transport streams (Page 3, Paragraph 24; and Page 4, Paragraph 28);

A multiplexer for multiplexing the desired services into a desired service multiplex (Page 4, Paragraph 28);

A decryption device for decrypting the desired service multiplex to obtain a desired decrypted multiplex (Page 4, Paragraph 28); and

A first demultiplexer for demultiplexing the desired decrypted multiplex (Page 4, Paragraph 28).

Regarding Claim 1,

Claim 1 is a method claim that corresponds to system claim 18 and is rejected for the same reasons.

Regarding Claim 15,

Claim 15 is a method claim that corresponds to system claim 18 and is rejected for the same reasons.

Regarding Claim 19,

Bacon discloses at least one of a second demultiplexer for demultiplexing the M transport streams and a filter for filtering the M transport streams (Page 4, Paragraph 28).

Regarding Claim 2,

Claim 2 is a method claim that corresponds to system claim 19 and is rejected for the same reasons.

Regarding Claim 20,

Bacon discloses that at least one of the M transport streams comprises an MPEG stream (Page 3, Paragraph 22; and Page 4, Paragraph 28).

Regarding Claim 3,

Claim 3 is a method claim that corresponds to system claim 20 and is rejected for the same reasons.

Regarding Claim 21,

Bacon discloses that each of the M transport streams comprises one of an MPEG stream or an Internet Protocol based stream (Page 3, Paragraph 22).

Regarding Claim 4,

Claim 4 is a method claim that corresponds to system claim 21 and is rejected for the same reasons.

Regarding Claim 22,

Bacon discloses that conflicts in protocol data among the selected services in the desired service multiplex are resolved at the multiplexer (Page 3, Paragraph 24); and

Original protocol data is restored to the selected services at the demultiplexer when demultiplexing the desired decrypted multiplex (Pages 2-3, Paragraph 20; and Page 4, Paragraph 28).

Regarding Claim 5,

Claim 5 is a method claim that corresponds to system claim 22 and is rejected for the same reasons.

Regarding Claim 23,

Bacon discloses that conflicts in protocol data are resolved by re-mapping program identifiers (Page 3, Paragraph 24; and Page 6, Paragraphs 33 and 34).

Regarding Claim 6,

Claim 6 is a method claim that corresponds to system claim 23 and is rejected for the same reasons.

Regarding Claim 27,

Bacon discloses that N equals eight (by disclosing that the number of selected streams could be as high as 8, this shows that N could also be 8 in order to allow for the appropriate number of streams) (Page 4, Paragraph 29) and M equals two (Page 4, Paragraph 28).

Regarding Claim 10,

Claim 10 is a method claim that corresponds to system claim 27 and is rejected for the same reasons.

Regarding Claim 29,

Bacon discloses a storage device for providing one of the M transport streams via a playback channel (Page 2, Paragraph 16; and Pages 3-4, Paragraph 26).

Regarding Claim 12,

Claim 12 is a method claim that corresponds to system claim 29 and is rejected for the same reasons.

Regarding Claim 30,

Bacon discloses that MPEG encoded analog (Page 2, Paragraph 16) transport streams are encrypted at the decryption device (Page 4, Paragraph 28); and the encrypted MPEG encoded analog streams are stored on the storage device (Page 4, Paragraph 28).

Regarding Claim 13,

Claim 13 is a method claim that corresponds to system claim 30 and is rejected for the same reasons.

Regarding Claim 31,

Bacon discloses that access to the services on the storage device is provided on an on-demand basis for a fee (Page 2, Paragraph 16).

Regarding Claim 14,

Claim 14 is a method claim that corresponds to system claim 31 and is rejected for the same reasons.

Regarding Claim 32,

Bacon discloses a decoder for decoding the decrypted services (Page 6, Paragraph 32).

Regarding Claim 16,

Claim 16 is a method claim that corresponds to system claim 16 and is rejected for the same reasons.

Regarding Claim 33,

Bacon discloses that the services comprise television services  
(Pages 1-2, Paragraph 13).

Regarding Claim 17,

Claim 17 is a method claim that corresponds to system claim 33  
and is rejected for the same reasons.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
Bacon in view of Adolph (U.S. Patent 5,825,430).

Regarding Claim 24,

Bacon does not disclose that conflicts in protocol data are resolved  
by utilizing transport priority bits from the packet headers of the M  
transport streams to distinguish between the services selected from the M  
transport streams.

Adolph, however, discloses that conflicts in protocol data are  
resolved by utilizing transport priority bits from the packet headers of the



M transport streams to distinguish between the services selected from the M transport streams (Column 4, lines 6-13; and lines 44-65). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the MPEG transmission system of Adolph into the set top box system of Bacon in order to allow for higher priority components (in this combination, full streams, such as the main screen display in Bacon) to be processed even if the lower priority components have errors (Column 1, lines 14-29).

Regarding Claim 7,

Claim 7 is a method claim that corresponds to system claim 24 and is rejected for the same reasons.

3. Claims 8 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bacon in view of Young (U.S. Patent 5,060,192).

Regarding Claim 25,

Bacon does not disclose a cross-point switching device for selecting the M transport streams from the N transport streams, wherein the cross-point switching device has N inputs and at least M outputs.

Young, however, discloses a cross-point switching device for selecting the M transport streams from the N transport streams, wherein the cross-point switching device has N inputs and at least M outputs (Column 5, lines 1-25). It would have been obvious to incorporate the

cross point switch of Young into the set top box system of Bacon in order to be give the system the capability of handling a new selection without disturbing or interrupting the present selection within a compact specialized hardware switch (Column 1, lines 10-25; and lines 53-56).

Regarding Claim 8,

Claim 8 is a method claim that corresponds to system claim 25 and is rejected for the same reasons.

4. Claims 9, 11, 26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bacon in view of Bennington (Bennington et al., "Developments in the Cable Industry", CableLabs, 10/1998, pp. 1-12, obtained from <http://www.tprc.org/abstracts98/reed.pdf>).

Regarding Claim 26,

Bacon discloses that the tuning device comprises at least one in-band tuner (Pages 2-3, Paragraph 20), at least one out-of-band tuner (Pages 2-3, Paragraph 20), at least one playback channel from a storage device (Page 2, Paragraph 16; and Pages 3-4, Paragraph 26) and at least one analog encoder (Bacon's system has the capability to receive both analog and digital signals) (Page 2, Paragraph 16). Bacon does not disclose use of at least one DOCSIS tuner or IEEE-1394 network interface.

Bennington, however, discloses at least one DOCSIS tuner (Page 3, DOCSIS section) and at least one IEEE-1394 network interface (Page 11, Paragraph 3). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the DOCSIS tuner and IEEE-1394 network interface of Bennington into the set top box system of Bacon in order to use a proven technology that is being accepted worldwide as the lowest cost, best cable modem technology available and to provide a customer friendly environment.

Regarding Claim 9,

Claim 9 is a method claim that corresponds to system claim 26 and is rejected for the same reasons.

Regarding Claim 28,

Bacon discloses that the tuning device comprises a first in-band tuner (Pages 2-3, Paragraph 20), a second in-band tuner (Pages 2-3, Paragraph 20), an out-of-band tuner (Pages 2-3, Paragraph 20), a playback channel from a storage device (Page 2, Paragraph 16; and Pages 3-4, Paragraph 26) and at least one analog encoder (Page 2, Paragraph 16). Bacon does not disclose use of at least one DOCSIS tuner or IEEE-1394 network interface.

Bennington, however, discloses a DOCSIS tuner (Page 3, DOCSIS section) and an IEEE-1394 network interface (Page 11, Paragraph 3). It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to incorporate the DOCSIS tuner and IEEE-1394 network interface of Bennington into the set top box system of Bacon in order to use a proven technology that is being accepted worldwide as the lowest cost, best cable modem technology available and to provide a customer friendly environment.

Regarding Claim 11,

Claim 11 is a method claim that corresponds to system claim 28 and is rejected for the same reasons.

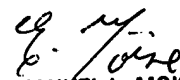
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Popham whose telephone number is (571)-272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER